IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 126 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 09/12/2004 in WP NO :27206 OF 2003 on the file of the High Court.)

Between:

Dr.P.Chinnaiah S/o.P.Peddaiah, I.A.S.E., S.V.University Tirupathi R/o.Tirupathi, Chittoor District.

APPELLANT

AND

1 The Union of India, Ministry of Human Resoruces Development (MHRD) Rep. by its Secretary, Department of Elementary Education and literacy Sastry Bhavan, New Delhi.
2 The Government of A.P., rep. by its Principal Secretary to Government, School Education Department, Govt., of A.P. Secretariat, Hyderabad.
3 Sri Venkateswara University, Tirupathi, Chittoor District, rep.by its Registrar.

RESPONDENTS

Counsel for the Appellant: MR.V.JAGAPATHI

Counsel for the Respondent No.1: Standing Counsel for Central Government.

Counsel for the Respondent No.2: GP for School Education.

Counsel for the Respondent No.3: Mr. P.Sree Ramulu Naidu.

The Court made the following:

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JUDGMENT (Per the Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the appellant herein aggrieved by the order of the learned single Judge in W.P.No: 27206 of 2003, dated 9.12.2004, under which the said writ petition was disposed of directing the respondents to consider the case of the writ petitioner as mentioned therein.

The appellant is the writ petitioner. He filed the writ petition seeking a direction more particularly one in the nature of Writ of Mandamus to declare the action of the 3rd respondent in giving artificial brakes in the service of the petitioner withholding his salary to which he is entitled in terms of the advertisement, dated 28.5.2003 as well as the proceedings No:E.II(2)/IASE/2004, dated 7.8.2004 issued by the 3rd respondent as arbitrary and to direct the respondent to pay to the petitioner the difference of salary equivalent to the minimum pay of a regular employee in cadre of Lecturer in terms of the advertisement dated 28.5.1998 and continue ;him without giving break of his service in terms of the letter No:4976/Trg.2/2003-1, dated 23.10.2003 of the 2nd respondent.

The learned single Judge having considered the rival contentions, disposed of the writ petition directing the respondents to consider the case of the petitioner for reengagement in case the scheme of IASE is being continued till the end of X plan period as was sanctioned by the Central Government if the funds are made available to the University. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioner.

Heard the learned counsel on either side.

We have perused the material available on record and the order impugned. There is no dispute that the petitioner was appointed as a lecturer on consolidated amount without any allowances and other benefits depending upon the qualification and experience. The material on record goes to show that the teaching staff is appointed as per Executive Council Confidential Resolution dated 30.1.1999 on contract basis with a condition that their assignments were purely on contract basis and that will not count for University service and their services are terminable at any point of time without any prior notice. To recur the expenditure under this scheme,

the Government used to release the funds from time to time. As could be seen from the order impugned wherein it is also stated that as and when the funds are received from the Government, either continuing or engaging the services of the petitioner arises, it is apparent that the post of the petitioner comes under the purview the scheme in question, which is being revived from time to time subject to the release of the funds by the Government. In this back ground of the matter, the learned single Judge is justified in directing the respondents to consider the case of the petitioner for reengagement in case the scheme of IASE is being continued till the end of X plan period by the Central Government if the funds are made available to the University. Therefore, We have no hesitation to hold that the order of the learned single Judge, does not call for any interference by this Court and accordingly, this appeal is liable to be dismissed.

In the result, this writ appeal is dismissed. No costs.

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Justice T.Meena Kumari

7th February, 2005

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Justice S.Ananda Reddy

Gurc.

Copies to

1 Secretary, Department of Elementary Education and literacy, Ministry of Human Resources Development (MHRD) Union of India, Sastry Bhavan, New Delhi.
2 Principal Secretary to Government, School Education Department, Govt., of A.P. Secretariat, Hyderabad.
3 The Registrar, Sri Venkateswara University, Tirupathi, Chittoor District.

2.Two C.Cs. to the G.P. for Education, High Court Buildings, Hyderabad. (OUT)

3.Two C.D. copies.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL Nos:126 of 2005

(judgment delivered by Smt. Justice T.Meena Kumari)

7th February, 2005